

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 21, 25, 29, and 33 have been amended. Support for the amendments is provided at least in the specification on page 10, lines 1-3 and 13-18, page 10, line 31, through page 11, line 6, and page 11, lines 19-20. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 21-38 were rejected, under 35 USC §103(a), as being unpatentable presumably over Harenberg et al. (US 3,789,356) in view of Brenner (US 5,760,737) and Adams et al. (US 6,314,343). The Applicants respectfully traverse based on the following remarks.

The combined teachings of Harenberg, Brenner, and Adams do not render obvious the subject matter defined by independent claims 21, 25, 29, 33, and 37 because these references do not teach or suggest the claimed feature of displaying approach modes including a plurality of assisted approach modes and a selected approach mode. Moreover, the Applicants submit that the discussion provided in the Final Rejection of what Brenner and Adams teach and how their teachings may be used to modify Harenberg's system is not clear.

Furthermore, with regard to independent claims 21, 25, 29, and 33, the individual or combined teachings of the applied references fail to teach or suggest:

- checking the particular conditions recited in step (a) of each claim;

- that the conditions recited in step (a) of each claim are checked simultaneously, as recited in claims 21, 25, and 29; and

- that when the particular conditions recited in step (a) of each claim are verified, a particular (e.g., the first, second, third, and fourth) approach category is selected.

With regard to the first, second, third, and fourth approach categories, independent claims 21, 25, 29 and 33 have been amended to specify additional features of these approach categories. More specifically, claim 21 now recites that if the selected approach category is the first approach category, a pilot may choose any one of the various possible assisted approach modes as the approach mode for landing the aircraft. Claim 25 now recites that if the selected approach category is the second approach category, a pilot may choose, as the approach mode for landing the aircraft, any one of the various possible assisted approach modes that comports with consistency between information provided by various systems of the aircraft and navigation data. Claim 29 now recites that if the selected

approach category is the third approach category, a pilot may choose, as the approach mode for landing the aircraft, the selected approach mode or any one of the various possible assisted approach modes that comports with valid guidance information. And claim 33 now recites if the selected approach category is the fourth approach category, a pilot should choose the selected approach mode for landing the aircraft.

Due to the features of the first through fourth approach categories, the inventions of the independent claims make it possible to reduce the workload of the pilot by presenting him, in a synthetic manner, with information (i.e., the selected approach category) allowing him to choose immediately the approach mode that he will use and the way of implementing it. The applied references, considered alone or together, do not teach or suggest these features.

In accordance with the above discussion pointing out the individual and combined deficiencies of the applied references, the Applicants submit that the combined teachings of the applied references do not render obvious the subject matter defined by independent claims 21, 25, 29, 33, and 37. Therefore, allowance of claims 21, 25, 29, 33, and 37 and all claims dependent therefrom is warranted.

Regarding the remarks presented in the Response to Arguments section of the Final Rejection, the Applicants submit the following comments.

The Final Rejection proposes that Applicants argued in their June 10, 2006, Response (hereinafter referred to as "Response") that "it is not inherent that an autopilot selects an appropriate landing mode" (see Final Rejection section 1(c)). Then, in contradiction of the proposal in Final Rejection section 1(c), the Final Rejection states that Applicants did not address in their Response the examiner's position that an autopilot inherently selects an appropriate landing course (see section 4, lines 4-6).

Applicants did not address in their Response the examiner's position that an autopilot inherently selects an appropriate landing course because this issue is not relevant to the claimed subject matter. The feature Applicants discussed in their Response for distinguishing the claims from the applied references is that of automatically selecting an approach mode category for display based on monitored conditions relating to the functioning of aircraft equipment and the integrity and precision of measurements made by the equipment. Thus, as this claimed feature relates to an autopilot, the relevant issue becomes whether an autopilot inherently selects, automatically,

an approach mode category for display based on monitored conditions relating to the functioning of aircraft equipment and the integrity and precision of measurements made by the equipment. An autopilot does not inherently perform the above-described feature and the Final Rejection does not propose otherwise.

Moreover, the Final Rejection proposes that modern autopilots divide flight phases into taxi, take-off, landing, etc., phases. Thus, the Final Rejection seems to distinguish the capabilities of modern and antiquated autopilots. Since the Final Rejection seemingly acknowledges that only modern autopilots are capable of distinguishing the phases of flight, such as a landing phase, it necessarily follows that an autopilot (i.e., any autopilot) does not necessarily (i.e., inherently) "select an appropriate landing mode course," as proposed in the Final Rejection (see section 4, lines 5-6).

The Final Rejection also proposes that Applicants argued in their Response that because none of 46 references cited in the March 10, 2006, Office Action (hereinafter referred to as "Office Action") anticipated the claimed subject matter, therefore it is allowable. Applicants submitted no such argument. Instead, Applicants remarked that none of these 46 references, which the Office Action identified as having the most closely relevant

teachings, provided evidentiary support for the Office's conclusion that it would have been well known to a skilled artisan, at the time of the invention, to display an approach mode category that is selected based on verified flight and system conditions. The record continues to be devoid of any evidence that would support the Office's conclusion.

The Final Rejection further proposes that Applicants attacked each reference, applied in the obviousness rejections of claims 21-38, individually rather than addressing the combined teachings of the applied references (see section 3, lines 2-4). Applicants made no such attack. Instead, as mentioned above, Applicants argued in their Response that the Office has failed to identify even one reference, out of the nearly fifty identified as most relevant, that provides evidence to support the Office's conclusion that it would have been well known to a skilled artisan, at the time of the invention, to display an approach mode category that is selected based on verified flight and system conditions.

Lastly, the Final Rejection states that a hindsight rejection is permissible so long as the hindsight takes into account only the knowledge that was within the level of ordinary skill at the time the claimed invention was made and does not include knowledge gleaned from an applicant's disclosure (see

Final Rejection section 2). As discussed above, the Office has failed to identify any evidence that would support a conclusion that it was within the knowledge attributable to a skilled artisan, at the time the present invention was made, to display an approach mode category that is selected based on verified flight and system conditions, as recited in Applicants' claims. Thus, the Office's proposed motivation to combine the teachings of the applied references is entirely gleaned from Applicants' disclosure.

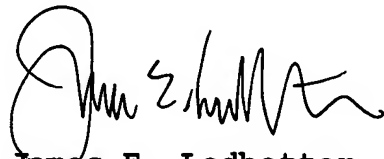
Although the Final Rejection has modified the conclusion previously presented in the first Office Action to state that it would be obvious, rather than well known to a skilled artisan, to display an approach mode category that is selected based on verified flight and system conditions, both the first Office Action and the Final Rejection rely entirely upon the goal identified in Applicants' disclosure for providing the motivation to modify Harenberg's system, based on the teachings of Brenner and Adams, to achieve the claimed subject matter. Thus, Applicants' Response is relevant for showing why a skilled artisan would not have such motivation, absent Applicant's disclosure, at the time the invention was made and is hereby incorporated by reference for traversing the pending rejections.

Before making final the rejections applied to an applicant's claims, the Office must rebut applicant's arguments traversing the rejections, not merely the arguments of the Office's choosing. The Final Rejection fails to rebut the arguments presented by Applicants' in their Response; therefore, withdrawal of the finality of the rejections, entry of the claim amendments, and allowance of claims 21-38 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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